

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
KNOLOGY HOLDINGS, INC.)	
)	File No. CSR-5458-P
v.)	
)	
WB TELEVISION NETWORK)	
)	
TIME WARNER ENTERTAINMENT, L.P.)	
)	
TIME WARNER, INC.)	
)	
AT&T BROADBAND AND INTERACTIVE)	
SERVICES, A Division of AT&T Corp.)	
)	
COMCAST CORP.)	
)	
ACME TELEVISION, LLC)	
(d/b/a "WBLN" in Charleston, SC))	
)	
AVN, Inc.)	
(WBEK-LP in Augusta, GA))	
)	
BENEDEK BROADCASTING CORP.)	
(WTVY in Dothan, AL), and)	
)	
LEWIS BROADCASTING CORP.)	
(WLTZ in Columbus, GA))	

MEMORANDUM OPINION AND ORDER

Adopted: March 26, 2001

Released: March 28, 2001

By the Chief, Consumer Protection and Competition Division, Cable Services Bureau:

1. On November 24, 1999, Knology Holdings, Inc. ("Knology"), a cable operator, filed a program access complaint against the WB Television Network ("WB"); Time Warner Entertainment, L.P. ("TWE"); Time Warner, Inc. ("TW"); AT&T Broadband and Interactive Services, a division of AT&T Corp. ("AT&T"); Comcast Corporation ("Comcast"); Acme Television Holdings, LLC ("Acme/WBLN"); AVN, Inc. ("AVN/WBEK"); Benedek Broadcasting Corp. ("Benedek/WTVY"); and Lewis Broadcasting Corp. ("Lewis/WLTZ") (collectively the "Defendants"). Knology alleged that the Defendants were parties to exclusive programming contracts in violation of Section 628(c)(2)(D) of the

Communications Act of 1934, as amended, (“Communications Act”) and Section 76.1002(c) of the Commission’s rules.¹ Knology also alleged that Defendants were engaged in discrimination in violation of Section 628(c)(2)(B) of the Communications Act and Section 76.1002(b) of the Commission’s rules.² In addition, Knology contended that the Defendants were engaged in unfair methods of competition in violation of Section 628(b) of the Act and Section 76.1001 of the Commission’s rules.³ Subsequent to the filing of the complaint, the parties requested that we suspend processing of the matter pending the resolution of settlement negotiations.

2. On March 12, 2001, Knology filed a Motion to Dismiss with Prejudice requesting dismissal of its complaint against the Defendants on the grounds that the matter has been resolved by settlement among all parties. Knology states that the motion is filed with the consent of all of the Defendants and pursuant to the terms of the settlement agreement reached among all parties dated March 1, 2001.

3. Accordingly, **IT IS ORDERED**, that the program access complaint filed by Knology Holdings, Inc. against the WB Television Network, *et al.* **IS DISMISSED WITH PREJUDICE**.

4. This action is taken by the Chief, Consumer Protection and Competition Division, Cable Services Bureau, pursuant to authority delegated by Section 0.321 of the Commission’s rules.⁴

FEDERAL COMMUNICATIONS COMMISSION

Deborah E. Klein
Chief, Consumer Protection and Competition Division
Cable Services Bureau

¹ 47 U.S.C. § 548(c)(2)(D); 47 C.F.R. § 76.1002(c).

² 47 U.S.C. § 548(c)(2)(B); 47 C.F.R. § 76.1002(b).

³ 47 U.S.C. § 548(b); 47 C.F.R. § 76.1001.

⁴ 47 C.F.R. § 0.321.